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U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

SO ORDERED:

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

2/3/17

January 27, 2017

BY HAND

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square, Chambers 2102
New York, New York 10007

The Court accepts Defense Exhibit 23 and Government Exhibit 23, as modified, into evidence on consent of the parties.

SO ORDERED.

Re: United States v. Wey, 15 Cr. 611 (AJN)

Dear Judge Nathan:

Enclosed please find a binder containing all documentary and electronic exhibits entered by both parties at the hearing on January 23 and 24, 2017.

As the Court will recall, during the hearing, the Government offered as Exhibit 22 a black suitcase. (Tr. 157.) Inside that suitcase were multiple envelopes containing various documents and pieces of paper that had been recovered from a trash bag found inside the suitcase. (Tr. 164-69.) The Government has now scanned those documents and included a disk containing the scanned documents in the enclosed binder as Exhibit 22. Those papers, along with the documents in Government Exhibit 22A, constitute all the papers found in the trash bag in the suitcase. (Tr. 216-17.)

Moreover, after the hearing, the Government provided additional witness emails to defendant Benjamin Wey from an abundance of caution, based on the subject matter of testimony elicited at the hearing. Per defense counsel, Wey does not wish to call or recall any witness, but moves the admission of what is included in the enclosed binder as Defense Exhibit 23. The Government does not object to the admission of that exhibit.

Finally, shortly after the hearing, the undersigned learned that one item seized during the search of defendant Benjamin Wey's residence had not been included in the boxes in court during the hearing. That item is a small box containing a disk of computer software and accompanying instruction manual, of the sort one could buy in a store. Defense counsel saw that item on January 11, 2017, when they reviewed the physical evidence. Defense counsel and the Government agree that, with the Court's permission, that item should be included in Government

Exhibit 23, i.e., the boxes that were seized from Wey's residence. The Government will of course produce that item, as well as the boxes admitted during the hearing, for the Court's inspection upon request.

Respectfully submitted,

PREET BHARARA
United States Attorney

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